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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

FUSION MULTISYSTEMS, INC. d/b/a  
FUSION-IO,

Plaintiff,

vs.

DONALD G. BASILE,

Defendant.

Case No.

**NOTICE OF PLAINTIFF'S MOTION TO  
COMPEL**

TO:

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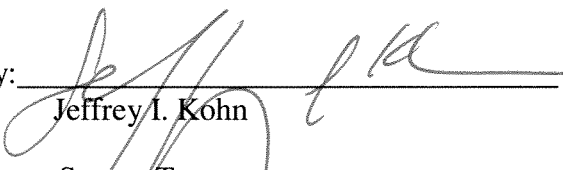
COUNSEL:

PLEASE TAKE NOTICE that on Monday, October 5, 2009, at 10:00 a.m. or as soon thereafter as counsel may be heard, plaintiffs Fusion Multisystems, Inc. d/b/a Fusion-io ("Fusion-io") will move, by and through their undersigned counsel, before the United States District Court for the District of New Jersey for entry of an order pursuant to Fed. R. Civ. P. 45(c)(2)(B)(i) to compel production of documents and information requested by Fusion-io.

PLEASE TAKE FURTHER NOTICE that in support of its motion, Fusion-io will rely upon the Declarations of Scott Bell and Lance Smith and the Memorandum of Law in Support of Plaintiff's Motion to Compel submitted herewith.

DATED this 11<sup>th</sup> day of September, 2009.

O'MELVENY & MYERS LLP

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